

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Divisions**

THOMAS D. DOMONOSKE, individually and on behalf of all those similarly situated, Plaintiff, v. BANK OF AMERICA, N.A., a national banking association, Defendant.	Civil Action No. 5:08-cv-00066
VICTOR RIVERA, individually and on behalf of all those similarly situated, Plaintiff, v. BANK OF AMERICA, N.A., a national banking association, Defendant.	Civil Action No. 5:09-cv-00080

**JOINT SUBMISSION REGARDING
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Thomas D. Domonoske and Victor Rivera and defendant Bank of America, N.A. (“Bank of America”) (collectively, “the Parties”), enter the following Joint Submission:

WHEREAS, on April 15, 2010 (Docket Entries 100 and 101), the Court determined that it does not have the authority to enter the prospective relief contemplated in Section 7 of the Settlement Agreement (Docket Entry 68-2), and denied preliminary approval of the Settlement on that basis;

WHEREAS, Section 7 of the Settlement Agreement provides that Bank of America may withdraw from the Settlement Agreement in such an event; and

WHEREAS, Class Representatives and their counsel remain bound by the provision of Section 7 wherein they agreed to represent that the procedure detailed in the Declaration of Marty Smith regarding the provision of credit score disclosures would comply with 15 U.S.C. § 1681g(g) of the Fair Credit Reporting Act, and they hereby reaffirm that representation;

Bank of America hereby formally advises the Court that it has elected to proceed with the class settlement knowing that the Court will not enter an order as contemplated by Section 7 of the Settlement Agreement.

Furthermore, the Parties jointly agree that the Settlement Agreement is otherwise fully enforceable, and request that the Court proceed to consider the motion for preliminary approval with the understanding that prospective relief is no longer requested.

The parties are prepared to appear for further hearing on plaintiffs' motion for preliminary approval of the class settlement, should the Court believe it would be of assistance.

Respectfully Submitted,

May 6, 2010

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May 6, 2010

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Certificate of Service

I hereby certify that on May 6, 2010, I electronically filed the foregoing **JOINT SUBMISSION REGARDING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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